

Article - Public Safety

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§14–304.

(a) On reasonable apprehension that an energy emergency exists, the Governor may proclaim a state of emergency.

(b) Notwithstanding any other provision or limitation of State or local law, if the Governor proclaims a state of emergency under this section, in addition to any other order, rule, or regulation promulgated under this subtitle, the Governor may promulgate orders, rules, or regulations to:

(1) establish and implement programs, controls, standards, priorities, and quotas for the allocation, conservation, and consumption of energy resources;

(2) suspend and modify existing standards and requirements affecting or affected by the use of energy resources, including those that relate to air quality control, the type and composition of various energy resources, the production and distribution of energy resources, and the hours and days during which public buildings and commercial and industrial establishments are authorized or required to remain open; and

(3) establish and implement regional programs and agreements to coordinate the energy resource programs and actions of the State with those of the federal government and of other states and localities.

(c) Instead of or in addition to the penalties provided in § 14-308 of this subtitle, an order, rule, or regulation promulgated by the Governor under this section may provide for:

(1) the imposition of a civil penalty not exceeding \$1,000 for each violation; and

(2) the method and conditions of collecting the civil penalty.

(d) (1) In this subsection, “Committee” means:

(i) the Joint Committee on Administrative, Executive, and Legislative Review; or

(ii) any other joint committee substituted by the General Assembly by law to carry out the responsibilities of the Joint Committee on Administrative, Executive, and Legislative Review with respect to an energy emergency.

(2) Before promulgating an order, rule, or regulation under this section, the Governor shall submit the order, rule, or regulation to the Committee for approval or rejection.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, if the Committee fails to take action on the order, rule, or regulation within 7 days after its submission, the order, rule, or regulation takes effect as promulgated by the Governor.

(ii) 1. If because of extraordinary circumstances it is not feasible to secure the prior approval of the Committee, an order, rule, or regulation takes effect immediately.

2. Within 2 days after it takes effect, the order, rule, or regulation shall be communicated to the chairman of the Committee.

3. The full Committee shall be convened within 5 days after the order, rule, or regulation is communicated to the chairman.

4. The order, rule, or regulation is subject to disapproval by the full Committee.

(4) All records of orders, rules, regulations, and Committee meetings are open to the public.

(e) This section does not authorize the establishment of oil refineries, deep water ports, offshore drilling facilities, or other similar major capital facilities.

(f) In addition to the specific emergency powers contained in this subtitle, the General Assembly recognizes and confirms the Governor's power to exercise fully the authority necessary to implement any federal mandatory energy emergency program as set forth in any federal programs, laws, orders, rules, or regulations that relate to the allocation, conservation, or consumption of energy resources.

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